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Attorneys for Defendants Todd Dunning and  
 Dunning Enterprise, Inc.

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

EBAY, INC.,

Plaintiff,

v.

DIGITAL POINT SOLUTIONS, INC., SHAWN  
 HOGAN, KESSLER'S FLYING CIRCUS,  
 THUNDERWOOD HOLDINGS, INC.,  
 TODD DUNNING, DUNNING ENTERPRISE, INC.,  
 BRIAN DUNNING, BRIANDUNNING.COM, and  
 DOES 1-20,

Defendants.

CASE NO.: CV-08-4052 JF PVT

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER: APPROVING  
 WITHDRAWAL OF ATTORNEY,  
 ALLOWING DEFENDANT TODD  
 DUNNING TO APPEAR PRO SE,  
 AND PROVIDING TIME FOR  
 DEFENDANT DUNNING  
 ENTERPRISE, INC. TO OBTAIN  
 NEW COUNSEL PURSUANT TO  
 LOCAL RULE 11-5**

Pursuant to Local Rules 3-9(a) and 11-5(a), Defendant Todd Dunning requests this Court to approve the withdrawal of his counsel: Stewart Foreman, Daniel Bernhard and Cathleen Yonahara of Freeland Cooper & Foreman, LLP. Defendant Todd Dunning requests this Court to approve that he appear in this matter *pro se* to represent himself without an attorney. All papers in this case may be served on defendant Todd Dunning at: 1 Stockbridge, Aliso Viejo, California 92656; Telephone No.: (949) 448-0889, email address: karinedunning@yahoo.com

In addition, Dunning Enterprise, Inc. requests an order from this Court allowing counsel

Stewart Foreman, Daniel Bernhard and Cathleen Yonahara of Freeland Cooper & Foreman, LLP to withdraw as counsel for Dunning Enterprise, Inc. Defendant Dunning Enterprise, Inc. requests 30 days for it to obtain new counsel to represent it as required by Local Rule 3-9(b). Any papers to be served on this defendant until this defendant appears by other counsel may be served c/o Todd Dunning at 1 Stockbridge, Aliso Viejo, California 92656.

I have given notice to all parties in this matter and consent to this withdrawal and substitution.

Dated: June 22, 2010

FREELAND COOPER & FOREMAN LLP

By:

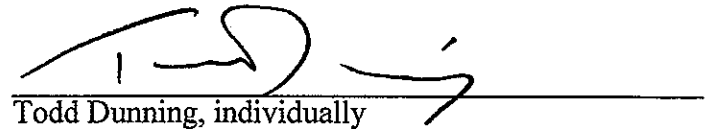


STEWART H. FOREMAN

Attorneys for Defendants Todd Dunning and  
Dunning Enterprise, Inc.

I, Todd Dunning, on behalf of myself and as president of defendant Dunning Enterprise, Inc., consent to this withdrawal of counsel and request permission to appear on my own behalf *pro se*. I shall diligently attempt to find substitute counsel for Dunning Enterprise, Inc., during the next 30 days.

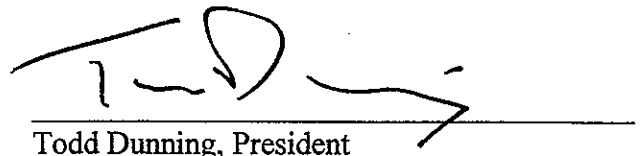
Dated: June 16, 2010



Todd Dunning, individually

Dunning Enterprise, Inc.

By:



Todd Dunning, President

IT IS SO ORDERED

Dated: June 28, 2010



Judge of the United States District Court

1 **CERTIFICATE OF SERVICE**

2 I am employed in the City and County of San Francisco, State of California. I am over  
3 the age of eighteen and not a party to the within action; my business address is 150 Spear  
Street, Suite 1800, San Francisco, California 94105.

4 On June 25, 2010, I served the foregoing documents described as follows:

5 **STIPULATION AND [PROPOSED] ORDER: APPROVING WITHDRAWAL OF**  
6 **ATTORNEY, ALLOWING DEFENDANT TODD DUNNING TO APPEAR PRO**  
7 **SE, AND PROVIDING TIME FOR DEFENDANT DUNNING ENTERPRISE, INC.**  
8 **TO OBTAIN NEW COUNSEL PURSUANT TO LOCAL RULE 11-5**

9 by placing a true and correct copy thereof enclosed in a sealed envelope addressed to the  
party(ies) of record whose name(s) and address(es) appear below:

10 **SEE ATTACHED SERVICE LIST**

11 X [BY MAIL - CCP § 1013a] I caused such sealed envelope with postage thereon fully  
prepaid to be placed in the United States mail at San Francisco, California, for collection and  
mailing to the office of addressee(s) on the date shown herein following ordinary business  
practice.

12        [HAND-DELIVERY/Personal/Messenger - CCP § 1011] I caused such envelope to be  
13 hand-delivered by a courier, who personally delivered such envelope to the office of the  
addressee(s) on the date herein.

14        [BY FACSIMILE - CCP § 1013(e)] - I caused such document(s) to be transmitted via  
15 facsimile electronic equipment transmission on the party(ies), whose name(s), address(es)  
16 and fax number(s) are listed above, on the date stated herein and at the time set forth on the  
attached transmission reported indicating that the facsimile transmission was complete and  
without error.

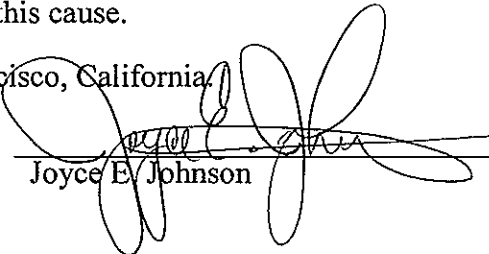
17        [BY FEDEX (Overnight Delivery) - CCP § 1013(c)] I caused such envelope to be  
18 delivered to the Federal Express Office in San Francisco, California, with whom we have a  
direct billing account, to be delivered on the next business day.

19 X [BY E-MAIL or ELECTRONIC TRANSMISSION] . Based on a court order or agreement of  
20 the parties to accept service by e-mail or electronic transmission, I caused the documents to  
be sent to the persons at the email addresses listed above. I did not receive within a  
reasonable time after the transmission, any electronic message or other indication that the  
transmission was unsuccessful.

22        [STATE] I declare under penalty of perjury under the laws of the State of California that  
the above is true and correct.

23 X [FEDERAL] Service was made under the direction of a member of the bar of this Court who  
24 is admitted to practice and is not a party to this cause.

25 Executed on June 25, 2010, at San Francisco, California.

26   
Joyce E. Johnson

**ATTACHED SERVICE LIST**

Leo Presiado  
 RUS, MILIBAND & SMITH  
 Von Karman Towers  
 2211 Michelson Drive, 7th Floor  
 Irvine, CA 92612  
 Telephone: (949) 752-7100  
 Facsimile: (949) 252-1514  
 Attorneys for Defendants Brian Dunning  
 and Thunderwood Holdings, Inc.  
**(by electronic transmission)**

Ross Campbell  
 COAST LAW GROUP  
 169 Saxony Road, Suite 204  
 Encinitas, CA 92024  
 Attorneys for Defendants Shawn Hogan and  
 Digital Point Solutions, Inc.  
**(by electronic transmission)**

Nora M. Puckett  
 O'MELVENY & MYERS LLP  
 Embarcadero Center West  
 2 Embarcadero Center, 28th Floor  
 San Francisco, CA 94111  
 Attorneys for Plaintiff eBay, Inc.  
 Telephone: 415-984-8700  
 Facsimile: 415-984-8701  
 Attorneys for Plaintiff eBay, Inc.

Patrick K. McClellan  
 Von Karman Towers  
 2211 Michelson Drive, Suite 700  
 Irvine, CA 92612  
 Attorney for Kessler's Flying Circus  
**(by electronic transmission)**

Todd Dunning  
 1 Stockbridge  
 Aliso Viejo, CA 92656  
**(by mail)**